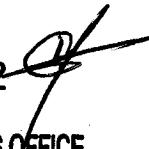


**State Bar Court of California
Hearing Department
San Francisco
DISBARMENT**

Counsel For The State Bar Robin Brune Senior Trial Counsel 180 Howard Street San Francisco, Ca 94105 (415) 538-2218 Bar # 149481	Case Number(s): 09-O-15167 [09-O-15970; 10-O-05154; 10-O-05157; 10-O-05973; 10-O-07020; 10-O-07091; 10-O-08570]	For Court use only PUBLIC MATTER FILED NOV 05 2012  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
Counsel For Respondent William Balin 345 Franklin Street San Francisco, Ca 94102 (415) 241-7360 Bar # 59104	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Nancy Behr Marmol Bar # 87790 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted November 29, 1979.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (12) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."



- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Costs to be awarded to the State Bar.
- ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
- ☐ Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline**
- (a) ☐ State Bar Court case # of prior case
- (b) ☐ Date prior discipline effective
- (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
- (d) ☐ Degree of prior discipline
- (e) ☐ If respondent has two or more incidents of prior discipline, use space provided below:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. See attachment page 6.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See attachment page 6.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☒ **No mitigating circumstances** are involved.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) ☒ **Restitution:** Respondent must make restitution to (see below) in the amount of \$ (see below) plus 10 percent interest per year from (see below). If the Client Security Fund has reimbursed the client for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than 365 days from the effective date of the Supreme Court order in this case.
- (3) ☒ **Other:** Additional information on restitution
 1. Restitution to Patricia Young in the amount of \$5,350 with interest at the rate of ten per cent per annum accruing from March 4, 2009;
 2. Restitution to Vincent Powell in the sum of \$2,000 with interest accruing at the rate of ten percent per annum accruing from February 20, 2010;
 3. Restitution to Salvador Escamilla in the sum of \$10,720 with interest accruing at the rate of ten percent per annum accruing from January 1, 2011;
 4. Restitution to Edna Guzman in the sum of \$2,100 with interest accruing at the rate of ten percent per annum accruing from March 23, 2011.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Nancy Behr Marmol

CASE NUMBER(S): 09-O-15167 [09-O-15970; 10-O-05154; 10-O-05157; 10-O-05973;
10-O-07020; 10-O-07091; 10-O-08570]

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 10-O-05154 (Complainant: Roger Meredith o.b.o Lawrence Kirk)

FACTS:

1. In April, 2009, Lawrence Kirk ("Kirk") was represented by respondent regarding the ongoing matter, *Guillermina Kirk vs. Lawrence Kirk*, case no. FDI-05-760239, filed in Superior Court, County of San Francisco.
2. Kirk last met with the respondent in person in November 2009, when the parties attended a settlement conference.
3. Thereafter, in December 2009, Kirk sent respondent a settlement proposal. Respondent received it. Respondent failed to respond in any fashion to Kirk's settlement proposal.
4. In December, respondent called Kirk and advised him of the trial dates.
5. Commencing in January 2010, Kirk sent several emails to respondent asking for the status of the case. Kirk sent respondent sent additional emails in February 2010, asking to confirm the trial dates because Kirk could not recall the exact date. Respondent received the emails and failed to respond. Respondent failed to file the trial briefs which were due on February 24, 2010.
6. On March 1, 2010 the case proceeded to trial. Kirk failed to appear for trial. Respondent also failed to appear for trial. The matter proceeded on March 1, 2010 without the participation of Kirk and respondent.
7. Kirk thereafter hired new counsel, Roger Meredith ("Meredith"). On March 18, 2010, Meredith sent a letter to respondent. In his letter, Meredith requested Kirk's file from respondent and asked respondent to sign a substitution of attorney. Respondent received Meredith's March 18, 2010 letter, but failed to respond.
8. Meredith obtained an ex-parte order from the Court on March 26, 2010, substituting into the case.

CONCLUSIONS OF LAW:

9. By failing to appear at trial and by failing to file the trial briefs, and by failing to sign the substitution of attorney as requested by Meredith, respondent failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A).

10. By failing to return Kirk's numerous email messages in which he requested status updates and a confirmation of the trial dates, respondent failed to respond to the reasonable status inquiries of a client in a matter in which she agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

11. By failing to respond to Meredith's request for the return of Kirk's file, respondent failed to return the client file, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Case No. 10-O-08570 & 10-O-07020 (Complainant: Patricia Young)

FACTS:

12. In December, 2009, Patricia Young ("Young") hired respondent and paid \$5,350 for a dissolution of marriage matter.

13. Starting on February 12, 2009, Young made numerous requests to respondent for status updates regarding her case. Respondent received Young's requests, but failed to respond to them.

14. On March 4, 2009, Young terminated respondent's services and requested a refund. Respondent received Young's request for a refund, but failed to respond.

15. Respondent did not perform any services of value on behalf of Young. Respondent's fees were not earned. She owes Young a full refund of \$5,350.

CONCLUSIONS OF LAW:

16. By failing to refund \$5,350 in fees to Young, respondent failed to refund unearned fees upon the termination of her services, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

17. By failing to respond to Young's inquiries in February 2009, respondent failed to respond to the reasonable status inquiries of a client in a matter in which she agreed to perform legal services, in willful violation of Business and Professions Code, section 6068(m).

Case No. 09-O-15167 (Complainant: Luis Viscarra)

18. In March, 2009, Luis Viscarra ("Viscarra") hired respondent to represent him in the matter of *Viscarra vs. Viscarra*, case no. FDI-05-758427, filed in Superior Court, County of San Francisco.

19. In 2007, respondent was ordered to prepare a stipulated judgment. Respondent took no action to file a stipulated judgment for two years.

20. In January, 2009, Viscarra moved to have respondent removed as his counsel.

21. On March 3, 2009, respondent prepared a stipulated judgment and sent it to opposing counsel.

22. On April 16, 2009, the Court removed respondent as counsel and prepared and filed its own stipulated judgement in the matter.

23. Prior to having her removed, Viscarra made numerous phone calls to the respondent, asking her to complete the matter. Respondent received Viscarra's telephone messages and failed to respond.

24. Respondent did not complete the stipulated judgment in a timely fashion, delaying for two years.

CONCLUSIONS OF LAW:

25. By failing to complete the stipulated judgment in two years time, respondent failed to perform, in willful violation of Rules of Professional Conduct, rule 3-110(A).

26. By failing to return Viscarra's numerous telephone messages, respondent failed to respond to the reasonable status inquiries in a matter in which she agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

Case No. 10-O-05973 (Complainant: Vincent Powell)

FACTS:

27. On January 23, 2010, Vincent Powell ("Powell") hired respondent to complete his divorce. On the same date, Powell signed an attorney fee agreement with respondent. On January 23, 2010, Powell paid respondent \$2,000 as advanced fees, but shortly thereafter, on February 20, 2010, Powell asked the respondent to wait and take no action on the matter as he was reconciling with his spouse.

28. Respondent advised Powell that she would be providing a partial refund, in an amount over \$1,000, and asked him to come to the office to sign a document removing her as counsel of record. Respondent advised Powell that the refund check would be in the following week's mail.

29. Thereafter, from March 2010 through July 2010, Powell sent respondent at least six emails requesting a refund. He telephoned her and visited respondent's office in an effort to obtain a refund. Respondent received Powell's emails and phone messages, but failed to respond. Respondent did not earn any portion of the advanced fees paid by Powell. Respondent did not refund any monies to Powell.

CONCLUSIONS OF LAW:

30. By failing to refund \$2,000 to Powell, respondent failed to refund fees upon termination of her services, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

Case No. 10-O-07091 (Complainant: Michael Marquez)

FACTS:

31. On June 16, 2005, Salvador Escamilla ("Escamilla") hired Respondent in the family law matter of *Escamilla vs. Escamilla*, case no. FAM 082486, filed in Superior Court, County of San Mateo.

32. In December 2007, the Escamilla family home was sold. On December 21, 2007, the proceeds of the sale were distributed, except for \$10,720, because of a dispute regarding the appropriate distribution of these remaining funds. The disputed funds were wired to respondent's attorney-client trust account, account number #16642-05XXX at Bank of America, (hereinafter, "trust account") by agreement of the parties. Respondent agreed to hold the \$10,720 in funds until further agreement or order of the court.

33. On April 30, 2008, the balance in respondent's trust account dropped to \$46.61. On October 31, 2008, the funds in respondent's trust account dropped to \$6.61. None of the monies expended from the trust account were expended on behalf of Escamilla. Respondent misappropriated Escamilla's \$10,720 in funds.

CONCLUSIONS OF LAW:

34. By misappropriating \$10,700 in funds from Escamilla, respondent committed an act of moral turpitude, in willful violation of Business and Professions Code, section 6106.

35. By failing to maintain Escamilla's funds in trust, respondent failed to maintain client funds in trust, in willful violation of Rules of Professional Conduct, rule 4-100(A).

Case No. 10-O-05157 (Complainant: Edna Guzman)

FACTS:

36. On June 22, 2009, Edna Guzman ("Guzman") hired the respondent to represent her in a divorce. On the same date, Guzman paid respondent the total sum of \$3,865 as advanced fees, and signed an attorney-client fee agreement. On June 26, 2009, respondent filed suit on Guzman's behalf, *Guzman v. Hernandez*, case no. FDI-09-770070, filed in Superior Court, County of San Francisco.

37. In November 2009, Guzman requested that the matter be resolved as a legal separation. Respondent asked for some documentation from Guzman, which Guzman provided, and respondent agreed to amend the matter.

38. On December 31, 2009, respondent filed an amended petition, changing the requested relief to Legal Separation. Respondent did not serve the amended petition.

39. In January 2010, respondent requested that Guzman complete documents related to the resolution. Guzman completed the documents and sent them back to respondent during the latter part of January 2010.

40. On February 17, 2010, respondent sent an email to Guzman, advising that the additional papers were ready and that she would be mailing them to Guzman shortly.

41. Thereafter, respondent failed to mail any documents to Guzman and failed to take any further action on behalf of Guzman.

42. On March 4, 2010, Guzman sent respondent an email, advising that she did not get any additional papers and asking her about the case. Respondent received Guzman's March 4, 2010 email and failed to respond. Guzman sent additional emails to respondent on March 7, 2010 and March 10, 2010. Respondent received the emails and failed to respond.

43. On March 23, 2010, Guzman sent respondent an email asking for a full refund. Respondent received Guzman's request for a refund and failed to refund any fees. Respondent failed to account for any work on Guzman's matter.

44. Respondent's work on the matter was worth \$1,765.00. Respondent owes Guzman a refund of \$2,100.00.

CONCLUSIONS OF LAW:

45. By failing to respond to Guzman's numerous emails, respondent failed to respond to the reasonable status inquiries in a matter in which she agreed to perform legal services, in willful violation of Business and Professions Code, section 6068(m).

46. By failing to refund \$2,100 to Guzman, respondent failed to refund fees upon termination of her services, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

47. By failing to file a proof of service for the amended petition, and by failing to take action after January 2010 to complete the legal separation, respondent failed to perform, in willful violation of Rules of Professional Conduct, rule 3-110(A).

Case No. 09-O-15970 (Complainant: Christina Sagonowsky)

FACTS:

48. On April 7, 2009, Christina Sagonowsky ("Sagonowsky") hired respondent to represent her in a family law matter and paid respondent \$15,000 advanced fees.

49. On April 7, 2009, respondent deposited Sagonowsky's funds into her attorney-client trust account. Thereafter, respondent removed the funds from the account and spent them on matters unrelated to Sagonowsky.

50. On June 1, 2009, Sagonowsky send respondent a formal termination letter and requested a refund. Respondent received Sagonowsky's termination letter in a timely fashion and was aware of its contents. Respondent provided a belated refund of \$15,000 to Sagonowsky on July 24, 2009, almost two months later. When respondent refunded Saganoswki \$15,000, it was from funds other than those deposited to the trust account on her behalf.

51. During the interim period, from June 1, 2009 through July 24, 2009, respondent gave Sagonowsky various excuses regarding the lack of refund, including making such statements as "the check could be picked up" and "the bank has put a hold". These statements were knowingly false. Respondent also threatened to report Sagonowsky to the Judge in the underlying litigation matter for allegedly committing an illegal act of concealing the funds from the court.

CONCLUSIONS OF LAW:

52. By misappropriating \$15,000 of Sagonowski's funds from her attorney client trust account, respondent committed acts of moral turpitude, in willful violation of Business and Professions Code, section 6106.

53. By making Sagonowsky false statements regarding the reasons for delay in refunding the funds, respondent committed acts of moral turpitude, in willful violation of Business and Professions Code, section 6106.

54. By failing to maintain the Sagonowsky funds in trust, respondent failed to maintain client funds in trust, in willful violation of Rules of Professional Conduct, rule 4-100(A).

55. By failing to promptly refund the monies to Sagonowsky, by delaying almost two months to pay the funds, respondent failed, upon termination of legal services, to promptly refund the client's monies, in willful violation of Rules of Professional Conduct, rule 3-700(D)(2)

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A (7), was August 2, 2012.

AGGRAVATION

Harm: Respondent's misconduct harmed significantly a client. (Standards for Attorney Sanctions for Professional Misconduct, Standard 1.2(b)(iv)). Respondent's misappropriation of client funds, as well as her failure to perform and refund unearned fees in numerous cases, caused harm.

Multiple/Pattern of Misconduct: Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. (Standards for Attorney Sanctions for Professional Misconduct, Standard 1.2(b)(ii)).

MITIGATION

None of the mitigating factors of Standard 1.2(e)(i)-(ix) apply in this case.

AUTHORITIES SUPPORTING DISCIPLINE.

This case involves significant harm in seven client matters. Respondent misappropriated over \$10,000 in the Escamilla matter and \$15,000 in the Sagonowski matter. In the Young matter, respondent owes a refund of \$5,350 and in the Powell matter, she owes \$2,000. In Guzman, the respondent owes \$2,100 as a refund. The aggregate amount of the loss of client funds exceeds \$30,000.

In addition to this extensive client financial harm in the Guzman, Escamilla, and Saganowski cases, the respondent also harmed the clients by her abandonment of their cases. In the Kirk matter, the respondent also abandoned the client, and the matter proceeded to trial without her or her client's participation. She further failed to take any action to rectify her misconduct, new counsel had to obtain an order of the Court in order to substitute into the case. In the Viscarra matter, respondent took no action to file a stipulated judgment in a family law matter for two years.

The Standards for Attorney Sanctions for Professional Misconduct call for disbarment for willful misappropriation of entrusted funds or property, unless the funds are insignificantly small or if the most compelling mitigating circumstances clearly predominate (Standard 2.2(a)). Here, the amount of the funds was significant and there are no mitigating factors. Therefore, disbarment is appropriate.

Disbarment is the proper discipline for intentional misappropriation, even for a respondent with no prior record of discipline. (See *Kaplan v. State Bar* (1991) 52 Cal.3d 1067 [disbarment for intentional misappropriation of approximately \$30,000; no prior record of discipline]; see also *In the Matter of Spaith* (Review Dept. 1996) 3 Cal.State Bar Ct.Rptr. 511 [disbarment for intentional misappropriation of approximately \$40,000 in one client matter; no prior record of discipline]; *In the Matter of Keuker* (Review Dept. 1991) 1 Cal.State Bar Ct.Rptr. 583 [disbarment for intentional misappropriation of approximately \$66,000 in one client matter; no prior record of discipline]).

Hartford v. State Bar (1990) 52 Cal. 3d. 93 (misappropriation in aggregate of approximately \$32,500 in three client matters and approximately \$3,000 in unearned fees in more client matters, disbarred);

Rosenthal v. State Bar (1987) 43 Cal. 3d. 658 (misappropriation of several thousand dollars, alcohol and cocaine use, no priors, admitted for three and a half years, disbarred);

Kelly v. State Bar (1988) 45 Cal. 3d. 649 (misappropriation of \$20,000, plus sought to illicit client to agree that it was a loan, disbarred).

COSTS OF DISCIPLINARY PROCEEDINGS.

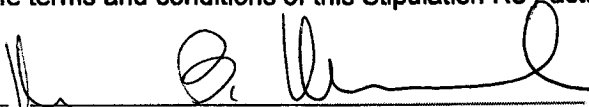
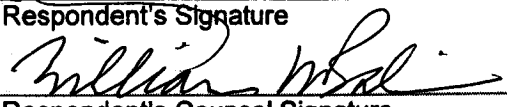
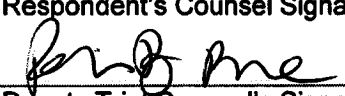
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 30, 2012, the prosecution costs in this matter are \$9,268.68. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Nancy Behr Marmol	Case number(s): 09-O-15167 [09-O-15970; 10-O-05154; 10-O-05157; 10-O-05973; 10-O-07020; 10-O-07091; 10-O-08570]
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

9-30-12		Nancy Behr Marmol
Date	Respondent's Signature	Print Name
10/1/12		William Balin
Date	Respondent's Counsel Signature	Print Name
10/17/2012		Robin B. Brune
Date	Deputy Trial Counsel's Signature	Print Name

In the Matter of: Nancy Behr Marmol	Case Number(s): 09-O-15167 [09-O-15970; 10-O-05154; 10-O-05157; 10-O-05973; 10-O-07020; 10-O-07091; 10-O-08570]
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DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
 - ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
 - ☐ All Hearing dates are vacated.
1. P. 1 – The box is checked for “PREVIOUS STIPULATION REJECTED,” as the previous stipulation was rejected on September 28, 2012.
 2. P. 4, E. (3) 4. Restitution to Edna Guzman. The accrual interest date is corrected from “March 23, 2011” to “March 23, 2010,” as that was the date Edna Guzman sought a refund (see p. 9, paragraph 43).
 3. P. 6, paragraph 12, “December 2009” is corrected to read “December 2008.”
 4. P. 6, paragraph 18, “March 2009” is corrected to read “March 2007.”

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent Nancy Marmol is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Nov. 5, 2012
Date

Pat McElroy
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on November 5, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

WILLIAM M BALIN
345 FRANKLIN ST
SAN FRANCISCO, CA 94102

- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- ☐ by overnight mail at , California, addressed as follows:


- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.

- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Robin Brune, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 5, 2012.


George Hue
Case Administrator
State Bar Court